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OFFICE OF PETITIONS

Sun Microsystems
c/o Finnegan Henderson LLP
901 New York Avenue, NW
Washington DC 20001-4413

In re Application of :
Steele Jr. :
Application No. 10/035,589 : **DECISION GRANTING LETTER**
Filed: December 28, 2001 :
Attorney Docket No. 06502.0368-00 :

This decision is in response to Applicants' 'NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT' informing the Office of a discrepancy in the Patent Term Adjustment (PTA) calculated by the Office at the time of the NOTICE OF ALLOWANCE. Applicants' assert that they are entitled to a PTA determination of 487 days. The Office thanks applicants for their good faith and candor in bring this matter to the attention of the Office.

Applicants letter concerning PTA is **GRANTED in PART**. The Office will adjust the PTA calculation at the time of the mailing of the notice of allowance to reflect this decision. The proper amount of PTA at the time of the mailing of the notice of allowance is 543 days.

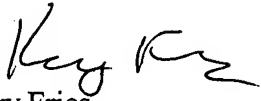
A review of applicants' arguments are persuasive. The Office provided six-hundred and seven-days of administrative delay for the failure to initially act upon the application within 14 months of the filing date of the application. See 37 CFR 1.702(a)(1). The file further reflects that applicants requested a deferral of issuance of one month on January 27, 2005, the and on April 1, 2004 filed an RCE in the application. Accordingly, the Office will treat the reduction for the entire period between these two submissions. A reduction of 64 days has been assessed.

After the mailing of this decision, the Office will forward this patented file to the Office of Patent Publications for a prompt issuance of the patent.

Any delays in the failure to issue this application within four months of the payment of the issue fee as required in 37 CFR 1.702(a)(4) will be reflected on the issue notification letter that is mailed to applicants approximately three weeks prior to issue date. Any delays by applicant for submissions by applicants that are reductions under 37 CFR 1.704(c)(10) will be reflected in the PTA determination that is provided to applicant in the issue notification letter.

Because applicants were providing good faith and candor notice as to the amount of PTA, no fee is being assessed.

Any questions concerning this decision should be directed to Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy, at 571-272-7757.

A handwritten signature in black ink, appearing to read 'Kery Fries', with a stylized flourish at the end.

Kery Fries
Senior Legal
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy